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THE REED SMOOT CASE.

SPEECH

OF

HON. ALBERT J. BEVERIDGE,

OF INDIANA,

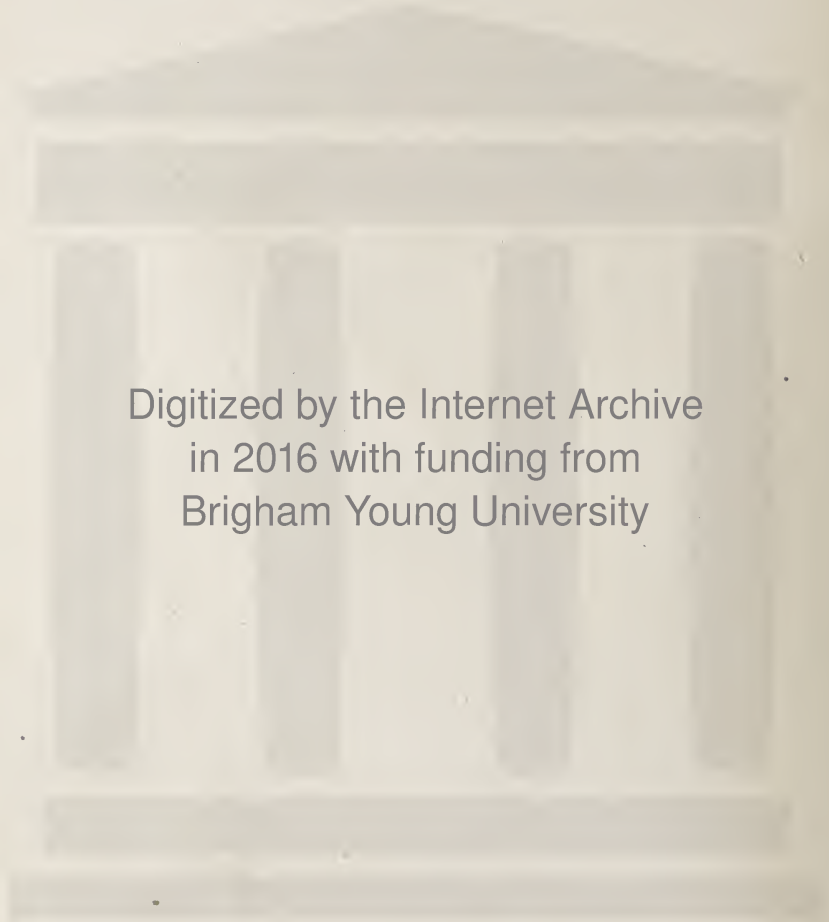
IN THE SENATE OF THE UNITED STATES,

IN SUPPORT OF THE MINORITY REPORT ON THE
RESOLUTION THAT REED SMOOT IS NOT EN-
TITLED TO A SEAT IN THE SENATE AS
A SENATOR FROM UTAH.

February 20, 1907.



WASHINGTON.
1907.



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SPEECH
OF
HON. ALBERT J. BEVERIDGE.

The Senate having under consideration the following resolution, reported by Mr. BURROWS, from the Committee on Privileges and Elections, on June 2, 1906:

Resolved, That REED SMOOR is not entitled to a seat in the Senate as a Senator from the State of Utah—

Mr. BEVERIDGE said:

Mr. PRESIDENT: One thing is dearer than life—the approval of one's own conscience. A second thing is nearly as precious—the good opinion of one's fellow-men. Riches, power, and birth are worse than worthless without reputation.

No wrong is blacker than the ruin of reputation of man or woman whose life has been stainless. No public policy can justify the damnation of a man by his countrymen upon error. And, where liberty reigns, truth will vindicate the wronged one in the end.

This is the fact, even though millions, misinformed, clamor against a man. Only the other day, as history goes, the world beheld a nation that has led most of the charges for freedom in modern times demanding, almost with a single voice, the worse than death of one falsely accused. Out of France's forty millions one man cried out for justice. But, for the hour, the misguided millions worked their will, and Dreyfus's epaulets of honor were torn from his shoulders, his sword was broken, and, amid roars of hatred, he was marched to disgrace.

But justice was not permanently defeated. Justice is never permanently defeated anywhere. Justice finally won for Dreyfus in France; and only yesterday, as history runs, that wronged officer of the French Republic was restored amid the huzzas of the nation which, unwittingly, had wronged him.

THE CHARGES AGAINST THE ACCUSED.

Is not this something like the situation in America to-day? Dreyfus was charged with treason; and this man is charged with treason—and worse. He is charged with treason before this high court—for, *in cases like this, the Senate is a court*, nothing but a court, the highest court this world has ever known.

And he is charged with infamy, as well as treason, before the American people; before the bar of public opinion he has been tried on the charge of the vilest of offenses.

And because the American people have been made to believe this infamy, they have petitioned this court for judgment against the guiltless. This fact is important, for who can say what has been the influence on the members of this court of that clamor which has assailed us, a clamor as erroneous as that which sent the loyal French Jew to Devils Island?

THE "RIGHT OF PETITION."

Mr. President, I believe in the right of petition. It is higher than a constitutional right—it is institutional. It reigns wherever reigns our race. In the broad and generic and not in the narrow and partisan sense, I am a democrat to the bone. With all my soul I believe that "the voice of the people is the voice of God"—the final and informed voice of the people, not their first gusts of passion; the instructed wisdom of the common mind, not its error-inflamed demands. And *in matters of legislation*, unless it involves violation of conscience, I shall always obey the last word of the people, based on their knowledge of all the facts, but never their first word if based on their knowledge of none of the facts.

But the right of petition is not to the courts. What would the most violent friend of a litigant think of a judge that would listen to his appeal or the appeals of thousands? He would despise him for deciding his way. And why? Because the court hears the evidence and has taken oath to decide on that evidence and the law, and on nothing else. Justice is pictured as blind—blind to prejudice, blind to passion, blind to ignorance, blind to *interest*. Justice sees only the evidence and the law. That is the only distinction between the judgments of courts of liberty on the one hand and the edicts of tyrants or the decrees of mobs on the other hand. And, in a case like this, *this Senate is a court*—the highest court beneath that eternal Tribunal which sits not only on the deeds, but on the consciences and most secret thoughts of men.

SENATOR HOAR'S OPINION.

And yet this case has been tried before the country on one issue—that of infamy; and before this court on another—that of treason. On our oaths, as judges of this supremest of earthly tribunals, we must try the second. On our responsibilities as public men let us examine the first. And on this I can not but recall the letter written by that noble American, a member of this committee, shortly before his death, to a minister who had been his life-long friend and had written this splendid statesman to condemn this man. In answer to that letter, Senator Hoar, of blessed memory, wrote:

You have been my friend; but if I were on the bench I would send you to jail. And yet I am sitting as a judge of a higher court than Massachusetts ever knew.

Yet the demand for blood has been made on us—*court though we are, sworn judges though we be*.

Mr. President, what is this wrong done the Senator from Utah, which has poured this shower of petitions upon this court and brought this flood of letters to nearly every member of it—not every member, because out of Indiana's nearly 3,000,000 people but few have written me on this subject, although my correspondence with my constituents is enormous. I am prouder of that evidence of faith and trust in me of Indiana's people than I am of the place in this body which they have given me. I am proud that they know that not all the letters that could be written in a hundred years nor all the petitions that could be gathered by any propaganda, even as active a propaganda as the one that is seeking to destroy this man and intimidate this court, would swerve me if I knew the writers of those letters and the signers of those petitions to be misinformed.

THE COUNTRY MISINFORMED.

And, Mr. President, the country has been misinformed. The average man and woman has been told for three long years that REED SMOOT is a criminal guilty of a disgusting and filthy crime—a crime abhorrent to our race and destructive of our civilization. The country has been told that this man is a polygamist. That is the charge on which he has been tried before the bar of American public opinion; that the charge upon which he has been convicted by the millions; and that the charge that has injured him as deeply as Dreyfus was injured. For that charge is utterly false. *The evidence shows, and it is finally admitted*, that this accused Senator is not a polygamist—the word is too foul to utter except on compulsion—never was that base thing, and that his home life is ideal in purity.

Not only is this true, but the evidence shows that, from the first, REED SMOOT has been the leader of the younger, wiser, and more modern element of his church that oppose this insult to marriage.

Yet the American people believe this Senator a practicer of this horrible shame. How that impression has been circulated it is not necessary, as it would not be pleasant, to describe. But the belief that he is such a monster is general among the masses and held by most of the reading public.

NEWSPAPER REPORTS.

Here is evidence of this—these six great volumes, with thousands and thousands of clippings from thousands of papers all over the Republic, telling in editorial and news columns that the accused is such a criminal. But for the brevity of time, I would read at random some of these, so that no Senator could have any excuse for not understanding the source of all these petitions.

I shall not do that—time does not permit; but I will take enough time, at least, to have read a very recent one, which I send to the desk. It was handed to me two or three days ago by a fellow-Senator from a middle Northwestern State, and as you will see was written after the speech of the Senator from Michigan [Mr. BURROWS]. I should like that Senator to hear it.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Senator BURROWS on Tuesday last delivered a remarkable speech in the United States Senate, denying the right of the Mormon Senator from Utah to a seat in that body. He charged that Senator SMOOT is cohabiting with *five* so-called “wives” in open defiance of law and has *forty-five children*, three of whom were born the present year.

Mr. BEVERIDGE. That is no more absurd to us who know the facts than thousands and tens of thousands of clippings like it from all over the Republic, from Canada to Mexico and from the Atlantic to the Pacific. False statements like that have been going to the people for three years. Does that throw any light upon these petitions?

The Senator from Idaho [Mr. DUBOIS] said that this word “polygamy” was not mentioned in one of these petitions. But we all know how such petitions are secured. They go to a good woman and say: “Will you sign this petition—it’s against SMOOT?” And she, believing what everybody believes, signs it. We have proof of this in the *formal remonstrance*, on

which this whole "investigation" has taken place—taken place at the cost of tens of thousands of dollars of the people's money. The man who got it up was compelled to admit on the stand, under oath, that some of the signers of *that remonstrance* never read it or had it read to them; and this, although it is the formal complaint on which a man's honor has been tried and a State's representative in this body has been put in jeopardy of his place. So much for the words—the form—of these petitions.

Since last session I have personally spoken to not less than 300 men and women all over the country on this subject. Every one of them thought the Utah Senator a polygamist, and was therefore against him. And nearly all of them when told the truth frankly changed their attitude.

COMMENT OF AN AMERICAN WOMAN.

Only the other day a noble American woman, an officer of one of our splendid American schools for girls, spoke to me of the curse of the murder of children in mills and mines, and then mentioned the case of Senator SMOOT. She was bitterly against him, because she believed him a polygamist; but when she learned the truth—when she learned that his life was stainless, and that in his pure and perfect home one woman reigned, its loved and cherished queen, this grand woman paled and said:

"Then a great wrong has been done to him and a GREATER WRONG TO HER."

In my own city a man whose brilliant books have given him increasing fame throughout the English-speaking world, whose character is as exalted as his heart is fearless, and whose ideals are as high as his talents are distinguished wrote an article in an Indianapolis paper, calling this accused Senator "the much-married Smoot." That was three years ago, his information being the same that has misled the Nation.

But *even now and here in Washington* the same belief is common. Passing before the building of a great Washington newspaper I saw on the bulletin announcing notable events this statement about Senator KNOX's remarkable speech:

Senator KNOX opposes expulsion of *Polygamist* SMOOT.

I asked the editor of that paper for that part of the bulletin; he gave it to me as a matter of justice, and here it is for every Senator to see [exhibiting]. The painter of the bulletin was not to blame; he only voiced the universal error.

That, then, is the issue on which REED SMOOT has been tried outside of this Chamber. That is the source of the public clamor with which this court has been stormed. That is the wrong that has been done this man, his wife, and his children. And that is the wrong that must be righted by this court and by the American people; for the ruin of human reputation is the saddest of all ruin, save that of the soul itself. Justice to one wronged man is more important than all our other labors.

EVIDENCE OF ACCUSED SENATOR'S BLAMELESS LIFE.

And the evidence gives no excuse for this. All witnesses testified to this Senator's blameless life—but this did not go out to the country. On the contrary, every discreditable thing that others had done for the past fifty years was sent broadcast and this man's name subtly connected with it. Although the com-

mittee, as a judicial body, was trying the honor of a man, no rules of evidence were observed, and rumor, hearsay, speculation, were unleashed and ran as blind and raging as mad dogs. Had the rules of evidence been observed the investigation would not have lasted a fortnight and the testimony would not have filled a pamphlet.

Doctor Buckley, the distinguished religious editor and eminent Methodist divine, testified that his diligent and painstaking personal inquiry among Gentiles and Mormons, Democrats and Republicans alike, in Utah brought forth nothing but praise of Senator Smoot. Doctor Buckley on oath said:

Every person I saw—and the number was as many as I could see at the principal hotel, at a church to which I went, where there were more than a thousand people, with scores of whom I spoke afterwards—wherever I asked the question, "What kind of a man is Mr. Smoot?" whether he was a polygamist or anybody believed he was a polygamist, I am compelled to say that I did not find, either in California, where I had been for months at a convention, or while in Utah, *a single person who said one word against Mr. Smoot.* Nor did I find one person who believed that he had ever been married to anyone but his wife, or had otherwise lived with any woman who was not his wife. That is the fact in the case. Republicans and Democrats, Mormons and Gentiles, *all talked in that way.*

Yet the country did not hear this; its ears were stunned and eyes seared by that one baleful word "polygamy."

TESTIMONY OF MARY COULTER, "GENTILE," PRESIDENT OF UTAH'S STATE FEDERATION OF WOMAN'S CLUBS.

The most impressive of the army of witnesses who, during the three years' investigation, were, at enormous expense to the American people—and over \$26,000 of the people's money has been spent on this attempt to ruin this man—marched to Washington was without doubt Mrs. Mary G. Coulter, of Ogden, Utah. Her dignity of bearing, her manifest and remarkable ability, her distinguished culture, instantly commanded respect, confidence, and esteem. Mrs. Coulter had been an Illinois girl; was an alumnus of the Northwestern College and of the University of Michigan. She went to Utah as the wife of Doctor Coulter, a non-Mormon.

Mrs. Coulter is a Gentile. She is president of Utah's State Federation of Woman's Clubs—for in every town and city in Utah as elsewhere women have their literary clubs; she was president of the Weber County Woman's Republican Club—for in Utah more than elsewhere women take part in politics; and she was a member of the legislature of Utah, and *chairman of the judiciary committee of the house*—for in Utah, unlike most of the remainder of the Republic, women vote, hold office, and participate in all civil government, municipal and State.

Mrs. Coulter, a *Gentile* member of Utah's legislature, a *woman* member of Utah's legislature, voted to make this accused man one of Utah's representatives in the National Senate. She testified that as president of the State Federation of Woman's Clubs she had traveled all over the State and knew conditions thoroughly; of the universal esteem of the people, Gentile and Mormon alike, for this accused man; of her own personal investigation of his life and character, and of the purity of both.

Yet the clear voice of this splendid and typical American woman was not heard amid the loathsome stories that filled the whole Republic.

THE ACCUSED SENATOR HAS BEEN LEADER AGAINST POLYGAMY FOR FOURTEEN YEARS.

Scores of witnesses testified, like Doctor Buckley, the great Methodist editor, and Mrs. Coulter, the accomplished American woman. Yet all the while the country heard only the foul word "polygamy." *Men testified that Senator Smoot was active against that infamy, not recently only, but for years.* In 1892 Judge Judd, of Tennessee, a Gentile appointed by President Cleveland as Territorial judge of Utah, before the Committee on Territories of the Senate, testified that the younger Mormons were active against polygamy, and *that their leader was Reed Smoot.*

This, Mr. President, was fourteen years ago. Certainly Mr. Smoot fourteen years ago had not corrupted a United States judge into telling before a Senate committee a falsehood. After describing at length—my time does not permit me to quote—the movement of the younger Mormons to end this curse, he said:

Others said to me—

Listen, Senators—

notably REED SMOOT, son of the president of the State and the Republican candidate for mayor and himself a product of polygamous marriage: "Judge, we can not stand this thing, and we will not stand this thing. It has got to be settled."

From Judge Judd, magistrate of the United States court for Utah, testifying in 1892, to Mary Coulter, member of Utah's legislature and president of Utah's State Federation of Woman's Clubs, testifying in 1906—and both "Gentiles," both non-Mormons—the evidence is unbroken.

WHAT THE ACCUSED'S NEIGHBORS, WHO ARE "GENTILES," SAY ABOUT HIM.

Now, when Mr. Smoot was a candidate for the Senate this matter was suggested in his own State, and it was said, by those who have pursued him here, that he was the tool of the church. I think that the man's own neighbors, *who do not belong to the Senator's church*, are the best witnesses of that. So without the knowledge of Senator SMOOT, who was then a candidate for the office he now fills, the "Gentiles" of Provo, the city where he lived, got up and signed the following petition, and it was signed *by every Gentile in Provo* except four. I want to read it:

We, the undersigned citizens of the United States and residents of Provo City, Utah, the home of Hon. REED SMOOT, respectfully submit the following:

We are not members of the Mormon Church, but in fairness to Mr. SMOOT we state:

First. The reports circulated in the press of some parts of the United States to the effect that he is a polygamist are ridiculous in the extreme to us, and must be to the minds of all fair-minded people who know him, and said reports are plainly intended by those prompting them, willfully or in ignorance of his life, to misrepresent the gentleman.

Second. Reports are also current that Mr. SMOOT, who is a candidate for United States Senator, is the creature and candidate of the Mormon Church for the position and that he will be the Senator of said church if elected. We do not believe such statements can be honestly made by men acquainted with Mr. SMOOT, but we do believe they were made by people determined to prejudice his candidacy, regardless of the methods to be employed. We know the gentleman to be fearless, honest, independent, and of sterling worth, and not the mean character out of which tools, such as his calumniators say he would be, are formed. *We believe Mr. Smoot to be a man of that high integrity that he would*

decline any political office if he could not accept it with that freedom, independence, and manhood that should be borne by every true American citizen in political place. We are confident that Mr. Smoot would immediately refuse to accept any office if the duties of his church required him to surrender his independence in the exercise of his functions in the slightest degree.

Third. Our opinions and belief with respect to Mr. SMOOT stated above have been formed by an intimate acquaintance and coming in contact with him almost daily through an extended period of the past. He is progressive and active. His business life bears strong marks of power to execute his undertakings. He is known as chaste and pure in all his relations, both private and public, is the husband of one wife, and his home is one of the ideal homes of the Republic.

Fourth. He represents "young Utah," with all of its commendable progress, and was one of the earliest advocates of the division of the citizens of this State on national party lines.

That is signed by every non-Mormon resident of his home, except four men. The first who signs is one of the most eminent lawyers in Utah. And now listen—the second signature on this petition is that of a Christian minister, James Stoddard, of Provo City, rector of Emanuel Episcopal Church.

OPINION OF ANOTHER EPISCOPAL MINISTER.

Yesterday Senator SMOOT received, and was kind enough this morning when I came in the Senate to hand me, the following letter which I think it is worth while reading:

CLIFTON SPRINGS, N. Y., February 18, 1907.

HON. REED SMOOT,
Senate, Washington, D. C.

MY DEAR SENATOR: About an hour ago I was waited upon by a committee that urged me to send a telegram to the "reform bureau" at Washington, asking for your expulsion from the Senate. This I declined to do for the reason I consider you an honorable, upright, loyal citizen and entitled to your seat in that honorable body.

I have lived in your city, have been in your home, and know your family, and I am frank to say that you impressed me favorably and one worthy of the confidence of the people of Utah. May I remind you that you were one that *helped me in my work?*

He was an Episcopal minister, remember. And he goes on—

You have my sympathy and good will, and I hope you may be permitted to keep your seat.

With kind regards for yourself and all the members of your household, believe me, I remain,
Most cordially,

REV. L. B. JOHNSTON,
Rector St. John's Church.

P. S.—If a telegram in your behalf will help from me, wire.

Yet, Mr. President, notwithstanding all of this, even now and here, this man is held up as a supporter of the crime which all his friends say he has been fighting for sixteen years. The other day, in his brilliant, his exhaustive, his able speech, which had required and no doubt received mouths of preparation, the Senator from Michigan [Mr. Burrows] read what purported to be an extract from an address of Senator Smoot delivered in Salt Lake City in 1905, since he has been a member of the Senate. This was done—and I will read the extract in a moment—to show that he is still an upholder of crime and sanctions all the practices of his church in the past.

INCORRECT QUOTATION FROM ACCUSED'S SPEECH.

Before I go into this I wish to say that I acquit the Senator from Michigan for what I am about to refer to. He is incapable of doing any human being an injustice knowingly. He has labored through his mighty task, he has performed his enormous duties with industry, fidelity, courage, and uniform courtesy to his associates. Of course, I know perfectly well that

this clipping was prepared for him, as our material is sometimes prepared for all of us, by those who would help us or who are interested in the cause.

So before I say a word about the clipping I entirely exonerate the Senator from Michigan from any blame, if any blame there be, and that is for the Senate to judge. I do not think that I would refer to it even now if it had not had such an effect as to make the Senator from Arkansas [Mr. BERRY] deliver most of his speech upon it.

This is the quotation. This is quoted from a report in the Deseret Evening News, of Salt Lake, of the remarks of Senator SMOOR at Salt Lake City, in 1905, before a great Mormon congregation:

I believe that the Latter-Day Saints, who have the spirit of God in them, never had more confidence in a man or a set of men than they have in the presidency of the church to-day.

I am, indeed, thankful for my standing in the Church of Jesus Christ of Latter-Day Saints (Mormon). When I study the history of the church I find that it is at all times the same. I am not ashamed of the power and position of the Mormon Church. I say to Joseph F. Smith to-day, this people will never turn against thee on the testimony of a traitor.

Very well!

Now, Mr. President, that appears *as one solid quotation*. Here is the address itself in the Deseret Evening News from which identical paper the Senator from Michigan said it was taken. As a matter of fact the sentences, five of them, of this quotation are taken from segregated portions of the address from six hundred to fifteen hundred words apart. The first one is from there [indicating]; the second one is from there [indicating]; the third one is from here [indicating]—

Mr. FORAKER. How far apart?

Mr. BEVERIDGE. I am trying to show. Each sentence is separated from any other *by from six hundred to fifteen hundred words*. The first one is there [indicating]; the second one is there [indicating]; the third one is here [indicating], three columns away; the fourth one here [indicating], five columns away, and the fifth there [indicating], at the end of the third column on that page. They were disconnected and taken utterly out of their context *and rearranged*.

But, Mr. President, this was not the worst. Two of them were actually *changed*. The sentence as read by the Senator from Michigan is as follows:

When I study the history of the *church* I find that it is at all times the same.

Appears, in reality, as printed in the paper from which the Senator said it was taken, as follows:

When I study the history of the *people* I find that it is about the same as it has always been, with but a few exceptions.

Where the Senator quotes Mr. SMOOR in another place as saying that he is not ashamed of the power and position of the Mormon Church, the true quotation is:

I am not ashamed of the gospel of the Lord Jesus Christ, for it is the power of God unto salvation.

Doesn't that sound familiar? It should, for that sentence is *a quotation from Paul*.

Even that is not the worst. The whole address is not about polygamy or any other violation of the law. The entire address concerns the distribution of church funds, which the au-

thorities had been charged with spending corruptly. Men in the church and out of it had sought to create a schism in the church, to split it asunder, and they had done so by charging that the church funds were being corruptly used, so as to destroy the people's confidence in the church officers.

That is the subject of the whole address, and the purpose of Senator Smoot in addressing the congregation there was merely to restore the confidence of the great congregation in the chief authorities of the church. Yet notwithstanding all of this, it was actually used on this floor to blacken this man, and so effectively used that the Senator from Arkansas based most of his speech upon it. It is only fair to the Senator from Arkansas to say that he quoted the extract entire, exactly as given in the speech of the Senator from Michigan. The Senator from Arkansas did not know, any more than the Senator from Michigan knew, that it had been extracted from widely separated portions of Senator Smoot's speech, rearranged, and sentences actually changed.

But here, Mr. President, is the closing sentence of Senator Smoot's address—and *this sentence was not read*:

We will continue to be good citizens of this Nation. We will uphold and pray for it. We will be true men and true women to our church, to our country, and to our God.

Why was not that sentence read?

THE CHARGE OF TREASON.

What now of the charge of treason which is made before this court? It is said that the Senator which Utah has sent here as her representative—sent by the members of Utah's legislature, who were both Gentiles and Mormons, both women and men—should be expelled because he has taken an oath inconsistent with his oath as Senator; because he owes a higher allegiance to his church than to his country.

This charge on which he is being tried before this court is second only in its gravity to the charge of polygamy upon which he has been tried before the people. If either charge were true *he ought to be expelled*. We have seen that the charge upon which he has been tried before the people is worse than false. Now I shall show that the charge upon which he is being tried before this court is also worse than false.

All Mormons take the same religious obligations—the same oath, if oath there be. Six witnesses, who had taken the oath swore that it contained the obligation of vengeance upon the Nation, though none of them agreed as to the exact language. Of these six witnesses all but one were impeached, and that one *did not use the word Nation at all*.

In addition to impeachment, three were shown to be drunkards; one insane, having the hallucination that he had personal relations with the devil, and one admitted on the stand that she had perjured herself. The testimony of these witnesses would not be received in any court of justice; and if received, any judge would direct any jury to disregard their evidence.

Against this, witness after witness of perfect reputation, who had taken the endowment ceremonies, testified that no such oath was administered; and no attempt was made to impair or impeach their testimony. Finally, Senator Smoot himself, under oath, testified that he had never taken or heard of such an oath, but that on the contrary he and his people were taught love of country and devotion to the Republic.

THESE "TRAITORS" DIED ON THE BATTLEFIELD FOR THE FLAG.

But this is not all. I was in the Philippines during the insurrection. I was with General Lawton in the Morong campaign. I took part in the advance on Taytay. The day before that advance I met many officers and men. Among them was a major of artillery named Richard W. Young, in command of the Utah battery. After General Lawton had introduced me, I asked him as we walked away, "Is that man from Utah, and if so, is he a Mormon?" General Lawton answered, "He is from Utah and is a Mormon and the best volunteer artillery officer in the Philippines."

In surprise I asked General Lawton, "And these Utah batteries—are any of these men Mormons?" And General Lawton answered, "Yes; a great many of them; and they are splendid soldiers."

Then I asked whether any Mormons had been killed or wounded in action, and General Lawton said: "Men of these batteries have been both killed and wounded; but of course I do not know whether those killed and wounded were Mormons or not. But all of them are brave men and splendid soldiers."

But many of the Mormon members of these volunteer Utah batteries were killed and wounded. I will now read to the Senate the official statement of the War Department giving the service of these Utah batteries, showing the men killed or dying from wounds, among them many Mormons—no Mormons died of disease—and telling the service they performed and the engagements in which they participated in the war with Spain:

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, February 18, 1907.

HON. ALBERT J. BEVERIDGE,

United States Senator, The Portland, Washington, D. C.

Sir: Referring to your telephonic request of to-day for a statement showing the military record of Harry A. Young and Richard W. Young, Utah Artillery, the names of those who were killed, who died of disease, and who were wounded as of that organization, and the engagements in which the batteries participated in the Morang Peninsula, I have the honor to inform you as follows:

It is shown by the official records that Harry A. Young was enrolled May 5, 1898, at Fort Douglas, Utah; that he was mustered into service May 9, 1898, as quartermaster-sergeant with Battery A, Battalion, Utah Artillery Volunteers, and that he was killed in action February 6, 1899, near Manila, Philippine Islands. His service is recorded as honest and faithful, and he was specially mentioned by the commanding officer of the battery for meritorious service in action on the night of July 31, 1898, as one of the seven members of the battery who were selected from a large number of volunteers, and who went forward as a relief party from Camp Dewey, Philippine Islands, to the trenches through the heaviest part of the firing.

This soldier was detailed October 1, 1898, on special duty with the board of health at Manila, Philippine Islands, and on January 16, 1899, Maj. Gen. E. S. Otis, commanding the Eighth Army Corps, cabled from Manila, Philippine Islands, to the War Department a request that the governor of Utah be authorized to appoint Quartermaster-Sergeant Young an assistant surgeon. The governor of Utah was informed on the same day of the request and of his authority to make the appointment, and he informed the Department January 19, 1899, that the appointment had been made. On January 20, 1899, telegraphic instructions were issued from this Department directing the soldier to report to a board of officers, at such place as the president of the board might designate, for examination as to his fitness for promotion to the grade of assistant surgeon. No record has been found of his examination under those instructions, his death having doubtless precluded further action in his case.

The records also show that Richard W. Young was mustered into

service May 9, 1898, as captain, Battery A, Battalion, Utah Artillery Volunteers; that he was mustered into service as major of the battalion to take effect July 14, 1898, and that he was discharged the service as of that grade June 28, 1899.

Following is a list showing the names of those members of the batteries mentioned who were killed or died of disease and were wounded:

Battery A.—Killed or died of wounds: Harry A. Young, quartermaster-sergeant; Fred Fisher, sergeant; John G. Young, corporal; Wilhelm I. Goodman, private. Died of disease: George O. Larson, corporal; John T. Kennedy, private; Oscar A. Feninger, private; Charles Parsons, private. Wounded: Edgar A. Wedgewood, captain; David J. Davis, private; Ray Kenner, private (accidentally).

Battery B.—Killed or died of wounds: Moritz C. Jensen, corporal; George H. Hudson, private; Frederick Bumiller, private; Max Madison, private. Died of disease: Richard H. Ralph, private. Wounded: George A. Seaman, second lieutenant; Andrew Peterson, sergeant; Henry L. Southers, corporal; John Abplanalp, private; Peter Anderson, private; John Braman, private; Parker J. Hall, private; Joseph G. Winkler, private; John A. Pender, private.

The records also show that the principal events connected with the service of the batteries mentioned, including the actions in which they participated, were as follows:

Battery A.—Battery organized May 5, 1898, by Capt. R. W. Young, at Salt Lake City, Utah, traveled to Fort Douglas, Utah, on that day and was mustered into service on May 9, 1898, by Lieut. B. V. Wells. Proceeded by rail to San Francisco, Cal., arriving on May 22. Sailed from San Francisco for Manila, P. I., on board transport *Colon*, June 15. Arrived in Manila Bay July 16, landing on July 20. Fifty-two recruits joined battery at Manila August 28. Battery participated in Spanish-American war and Filipino insurrection. Record of engagements: Malate, July 31; Malate, August 1; Malate, August 2; Malate, August 8; capture of Manila, August 13, 1898. In Spanish-American war: Santa Mesa, February 4 and 5; Sanpalog, February 4 and 5; Sanga Ana, February 5; advance on pumping station, February 6; near Caloocan, February 10; Guadalupe, February 13; Pasig Island, February 14; Guadalupe, February 15; north and east of pumping station, February 22; San Pedro Macati, February 18; Balic Balic, February 23; near La Loma Church, February 23; Mariquina road, February 24; Mariquina, February 25; Guadalupe, February 26; San Pedro Macati, March 1; San Pedro Macati, March 3; Guadalupe, March 4; Maraquina road, March 6; pumping station, March 6; south of San Juan del Monte, March 7; pumping station, March 7; near San Francisco del Monte, March 10; Guadalupe, March 13; Pasig City, March 13 and 14; Santa Cruz, March 16; Maraquina, March 16; Morong, March 17; Jalajala, March 17; near San Francisco del Monte, March 17; Bunangouan, March 20; Maraquina, March 25; Pasig City, March 25; Caloocan, March 25; near San Francisco del Monte, March 25; La Loma Church, March 25; Talapapa, March 25; Bunangouan, March 26; Pasig City, March 26; Tulihan River, March 26; Malinta, March 26; Bolucan, March 28; Marilao, March 29; Bigaa, March 29; Malolos, March 31; San Mateo Valley, March 31; Taytay, March 31; Santa Cruz, April 10 and 11; Pagoanjan, April 11; Orina, April 12; Quinqua, April 23; Bagbag, April 25; Calumpit, April 27; Santo Tomas, May 14; Sexmoan, May 17; Guagua, May 17; San Luis, May 14; San Luis, May 16; Expedition to Candaba, May 17 and 18; Santa Rita, May 23; San Fernando, May 24; San Fernando, May 25; Cainta, June 3; Morong, June 4; Muntinlupa, June 10; San Fernando, June 16; San Fernando, June 22, 1899, in Filipino insurrection.

Battery embarked on United States Army transport *Hancock* at Manila June 29; arrived in San Francisco, Cal., July 29; mustered out of service by First Lieut. C. N. Purdy August 16, 1899.

Battery B.—Battery mustered into the service of the United States May 9, 1898, at Fort Douglas, Utah. Left Fort Douglas and arrived at Camp Merritt May 22, 1898. While at Camp Merritt battery performed regular routine duty. Battery embarked on the transports *China* and *Zelandia* June 14, 1898. Sailed June 15, 1898. Arrived at Honolulu June 23, 1898. Sailed from Honolulu June 25, 1898. Arrived at Manila July 17, 1898. Disembarked July 22, 1898. Served during Spanish-American war in the Philippines as follows: Battles of Malate, July 31 and August 1; Manila, August 13, 1898. Served in Philippine insurrection as follows: Some detachments of this battery participated in all engagements of the Second Division, Eighth Army Corps, commanded by Maj. Gen. MacArthur, north of Manila from February 4 to June 23, 1899, inclusive, the principal engagements being Tondo, February 4 to 5; La Loma Cemetery, February 5; San

Juan del Monte, February 5; bombardment and capture of Caloocan, February 10; battle Malinta, March 26; Meycanagan, March 27; Marilao, March 27; Santa Maria River, March 29 and April 7; capture of Malolos, March 31; Quingua, April 23; Babbag River, April 25; Calumpit, April 27; Santo Tomas, May 4; San Fernando, May 23 and June 16. One detachment with General Lawton's division in advance form Nozagaray to Candaba and capture of Nozagaray, April 24; Angat, April 25; San Rafael, May 1; Ballnag, May 2; Maasin, May 5; San Luis, May 14; San Isidro, May 17. Detachments of this organization were on board the United States gunboats *Laguna de Bay* and others, under the command of Captain Grant. These boats assisted in the bombardment and capture of the following cities: Santa Ana, February 5, 1899; San Pedro Macati, March 3; Guadaloupe and Pasig, March 14; Santa Cruz, April 10; *Pagraigan* and six steam boats, April 11; Bacalor, Guagua, and Sexmoan, May 7 to 9; Candaba, May 18. Minor engagements and skirmishes are not mentioned. Battery embarked on United States Army transport *Hancock* June 29, and sailed July 1; arrived at Nagasaki, Japan, July 6; left Nagasaki July 10; arrived at Yokohama July 13; left Yokohama July 15; arrived at San Francisco, Cal., July 30, 1899. Disembarked and went into camp at Presidio, California, July 31. Mustered out of service at Presidio, California, August 16, 1899.

Very respectfully,

F. C. AINSWORTH,
The Military Secretary.

About half of the members of these batteries were "Gentiles," and about half were "Mormons." And the killed and wounded were about equally divided. Harry Young, the officer killed in action, of whose gallantry the War Department speaks, was a Mormon. The Filipino bullets found no "treason" in these Utah hearts. How better can men prove their loyalty than by their lives?

Yet every one of these men had gone through the same church ceremonies that Senator Smoot has gone through. It was an inspiring circumstance. It filled me with emotion and uplifted me with a pride to find that here, thousands of miles from home, Americans of every religious creed and every political party—Protestant and Catholic, Jew and Mormon, atheist and Christian, Democrat and Republican—were giving their blood and their lives for the honor of the flag. It was glorious to know that when the flag of our country is fired upon, no matter where or by whom, men of all churches and of all parties leave home and loved ones and journey around the world, if need be, to suffer and die in its defense.

THE AMERICAN PEOPLE A UNITED PEOPLE.

I witnessed only one other incident in the Philippines that showed how thoroughly this Republic is one and how profoundly loyal all its citizens are, and that was in the swamps around Iloilo. The Tennessee regiment there had as its officers Col. Gracey Childers, son of a Confederate soldier, Lieutenant-Colonel Bayliss, son of a Confederate soldier, and Major Cheatham, son of General Cheatham, of the Confederate army. These sons of men who had fought as men have seldom fought for a principle of Government had accepted as completely as their fathers the settlement of that great issue and were as proud of their uniforms and as devoted to the Nation as were the men whom Washington led through sacrifice to victory.

No, Mr. President, it is not true that any section of this country is disloyal. It is not true that hundreds of thousands of American citizens are banded together to destroy the Republic. The men I saw on the firing line prove that it is false. The men killed in battle beneath the colors prove that it is false. The graves of American soldiers all over the Republic—

in Utah as well as in Michigan—prove that it is false. We are one people, thank God, equally devoted to free institutions, of which none is more precious than that of religious liberty.

RELIGIOUS LIBERTY.

Religious liberty! Religious intolerance has stained crimson more of this earth than any other cause. Religious tolerance is one of the corner stones of this Republic. Attempts have been made to shatter it, but it remains firm and unimpaired. Older Senators remember the Know Nothing movement of the fifties; all of us remember the A. P. A. movement of a few years ago, when charges were made against a splendid church, in exact words a reproduction of one of the charges about the political domination and purpose of this Senator's church which are now made here.

I have on my desk the books that recite formal complaints upon which it was sought to inflame the people, and you could lay them side by side with this particular charge made here now and not tell the difference. I have here the history of my own church, the Methodist Church, which recites the charges made against the Methodists in England, when, because of such charges, John and Charles Wesley were stoned, and but for God's providence would have been killed. I have here the story of the persecutions of the Quakers, and also the terrible, but true tale of the burning of the witches in New England.

PRINCIPLES THAT MAKE THE FLAG SACRED.

But against all of these the spirit of liberty at last prevailed. And this in the final analysis is the ultimate issue before us. For polygamy I have a hatred made stronger by disgust. For enemies of our Government I have a hatred intensified by the period and circumstances of my birth. But we have seen that this accused man is not a practicer of this revolting crime, but its enemy. We have seen that he is not a traitor, but a loyal man. And so the only question that remains is that of the tolerance of his religion. And though his religion is to me incomprehensible, grotesque, and absurd, I hate intolerance of it and all religions as much as I hate treason, with which he is falsely charged before this court, or the other unspeakable shame with which he is falsely charged before the people.

Obedience to law, tolerance of opinion, loyalty to country—these are the principles which make the flag a sacred thing and this Republic immortal. These are the principles that make all Americans brothers and constitute this Nation God's highest method of human enlightenment and living liberty. By these principles let us live and vote and die, so that "this Government of the people, for the people, and by the people may not perish from the earth." [Applause in the galleries.]

